

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CVI CVF V Pooling Fund I LP, a Delaware L.P.)
)
)
Plaintiff,)
)
)
vs.) Case No.: 1:24-cv-01504
)
)
SOCIÉTÉ GÉNÉRALE SA, a French Société)
Anonyme, and)
XIAOMI H.K. LIMITED, a Hong Kong Limited)
Company) ECF CASE
)
)
Defendants.)

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR TEMPORARY
RESTRANDING ORDER**

Before the Court is the Plaintiff's Motion for Temporary Restraining Order (the "Motion") wherein Plaintiff, CVI CVF V Pooling Fund I LP ("Plaintiff") seeks to obtain immediate injunctive relief against Société Générale SA, ("Société Générale") and Xiaomi H.K. Limited ("Xiaomi") (collectively, "Defendants"). The Court having considered the Motion, ~~held an emergency hearing at which argument of counsel was heard and preliminary evidence was adduced, and otherwise being fully advised in the premises,~~ It is hereby ORDERED AND ADJUDGED that:

~~temporarily pending a telephone conference to be held on February~~

1. The Motion is GRANTED. [^] ~~29, 2024 (the details of which are set forth below).~~

2. ~~The preliminary evidence presented by Plaintiff, which includes: the sworn~~

~~Affidavits of Oscar Rojas and Wei Wang and attachments thereto, the underlying Letter of Credit, Xiaomi's Certification Statement and attached invoices in support of its attempt to draw down the Letter of Credit, Xiaomi's Agreements with Tekmovil, LLC ("Tekmovil"), and a Tekmovil accounting summary, has demonstrated a likelihood of success on the merits, or alternatively, that sufficiently serious questions going to the merits make them a fair ground for litigation and that~~

~~the balance of the hardships tips in its Plaintiff's favor. Specifically, Plaintiff has demonstrated sufficient likelihood that it will succeed in establishing that Xiaomi's request to draw down the Letter of Credit has no basis in fact, and constitutes a fraud in the transaction and/or fraud in the presentment.~~

3. ~~The preliminary evidence presented by Plaintiff has further shown that Plaintiff likely faces imminent irreparable harm, should temporary relief not issue. Specifically, Xiaomi and its Bank to which it has requested that the funds be disbursed are located in Hong Kong, and it is likely that Xiaomi lacks U.S. assets that would be readily available to satisfy a judgment against it, in the event its draw request is determined to be improper and unfounded.~~

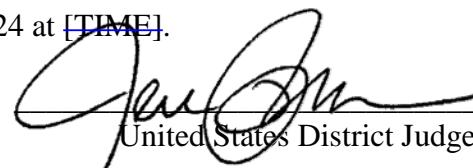
4. WHEREFORE, Defendant Société Générale is hereby temporarily restrained and enjoined from making any payments relating to and/or honoring any requests to draw down Standby Letter of Credit, Transaction Reference Number NY21SOL12075, held by Société Générale, New York Branch.

5. Defendant Xiaomi H.K. Limited is hereby temporarily restrained and enjoined from drawing down the Standby Letter of Credit, Transaction Reference Number NY21SOL12075, held by Société Générale, New York Branch.

6. These temporary restraining orders shall remain in full force and effect until such time as the Court holds a more fulsome evidentiary hearing and rules upon Plaintiff's entitlement to preliminary relief, pending the resolution of this action.

11:33 a.m.

Done and ordered in Chambers this 28th day of February 2024 at [TIME].



United States District Judge

The Court will hold a telephone conference tomorrow, February 29, 2028, at 11:00 a.m. To access the conference, counsel should call 888-363-4749 and use access code 5421540#. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for telephone conferences described in the Court's Individual Rules and Practices, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. By separate Order to be entered today, the Court is alerting counsel to a jurisdictional issue that the parties should be prepared to address at the conference.

Plaintiff shall electronically serve a copy of this Order on Defendants and/or their counsel by 2 p.m. TODAY. Defendants may, but are not required, to file a letter setting forth their position on the request for temporary restraining orders no later than 9 a.m. TOMORROW.